

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

## LINDSAY KRESLAKE.

No. C 13-02080 SI

Plaintiff,

V.

## MIDLAND CREDIT MANAGEMENT, INC.

Defendant.

**SECOND ORDER TO SHOW CAUSE  
WHY CASE SHOULD NOT BE  
DISMISSED FOR FAILURE TO  
PROSECUTE**

10        *Pro se* plaintiff Kreslake filed this suit against defendant Midland Credit Management, Inc., in  
11 Alameda County Superior Court for “violation of FDCPA 5809 & violations of Rosenthal Act.” Compl.  
12 at 2. On May 14, 2013, after the case was removed to this Court, defendant filed a motion to dismiss  
13 pursuant to Federal Rule of Civil Procedure 12(b)(6). The hearing was set for June 28, 2013, and  
14 plaintiff’s opposition was due on May 30, 2013. Plaintiff did not file an opposition, nor did plaintiff  
15 request an extension of time. Accordingly, the Court ordered plaintiff to show cause by no later than  
16 June 28, 2013, why this case should not be dismissed for failure to prosecute. Then, on June 26, 2013,  
17 the Court’s order was returned as undeliverable to plaintiff’s address.

18 Plaintiff has a duty to notify the Court of any address change. *See* N.D. Cal. L.R. 3-11 (the court  
19 may dismiss a case if no notification of an address change has been received within 60 days of the  
20 receipt of an undeliverable mailing). Additionally, plaintiff must timely respond to a motion to dismiss.  
21 Accordingly, plaintiff is **ORDERED TO SHOW CAUSE in writing by no later than August 26,**  
22 **2013 why this case should not be dismissed for failure to prosecute or for failure to provide a**  
23 **current address.** *See* Fed. R. Civ. Proc. 41(b). If plaintiff does not respond, this action will be  
24 dismissed without prejudice.

## IT IS SO ORDERED.

26 | Dated: July 2, 2013

Susan Illston  
**SUSAN ILLSTON**  
United States District Judge